

REMARKS

Claims 1 to 18 are pending. Reconsideration of the application is requested.

§ 102 Rejections*Rosenthal*

Claims 1 to 18 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 3,221,739 (hereinafter Rosenthal).

Claim 1 provides a medical device, comprising an array comprising microstructures configured to penetrate the stratum corneum upon impact; and a connection member affixed to the array in a one piece construction, the connection member configured to reversibly connect the medical device to an applicator.

The Patent Office asserts that Rosenthal discloses a medical device comprising an array of microstructures, identified by the Patent Office as reference number 22 in Rosenthal. Reference number 22 in Rosenthal refers to an axial bore extending inwardly from the concave end (20) and terminating in the knob (16) adjacent to the inner end (18). Applicants respectfully submit that the referred-to bore can in no way be construed to describe a microstructure configured to penetrate the stratum corneum upon impact, as claimed.

Rosenthal does discuss, for instance, projections identified as reference number (34). These projections are described as projections lying substantially on the circumference of a circle of lesser diameter than the perforating disc member (32). It is unclear, however, on what basis the Patent Office asserts that these projections are microstructures as claimed. Accordingly, Applicants kindly submit that the rejection under 35 USC § 102(b) is inappropriate.

Claims 2 to 18 each refers to and incorporates the features of independent claim 1 and adds further patentable features thereto. Thus, the rejection of claims 2–18 under 35 USC § 102(b) is likewise inappropriate.

The rejection of claims 1 to 18 as being anticipated by Rosenthal has been overcome and should be withdrawn.

Rosenberg

Claims 1 to 13 and 15 to 17 are rejected under 35 USC § 102(e) as being anticipated by U.S. Patent 6,623,457 (hereinafter Rosenberg).

In its rejection, the Patent Office at one point refers to reference number (16) of Rosenberg as a connection member (Rosenberg refers to (16) as a "bottom wall"). At another point in the same paragraph, the Patent Office refers to "the connection member (38)" (Rosenberg refers to (38) as a coupling member). Clarification of the rejection is requested as it is unclear to Applicants what the intent of the Patent Office is in identifying bottom wall (16) as a connection member.

Further, Applicants respectfully submit that the Patent Office fails to show where Rosenberg teaches, suggests or describes that connection member (38) is affixed to the array in a one piece construction as provided in claim 1. Accordingly, Applicants respectfully submit that the Patent Office has failed to show that Rosenberg anticipates claim 1.

Claims 2 to 13 and 15 to 17 each refers to and incorporates the features of independent claim 1 and adds further patentable features thereto. Thus, the rejection of claims 2 to 13 and 15 to 17 under 35 USC § 102(e) is likewise inappropriate.

The rejection of claims 1 to 13 and 15 to 17 under 35 USC § 102(e) as being anticipated by Rosenberg has been overcome and should be withdrawn.

Conclusion

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application is requested.

Respectfully submitted,

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